

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARICLAR OSORIO,

Plaintiff,

v.

ROBERT WILKIE, Secretary of U.S.
Department of Veterans Affairs,

Defendant.

Case No. 2:21-cv-00056-ART-DJA

ORDER

On September 30, this Court ordered Counsel for Defendants to enter an appearance no later than October 14 to show cause for why this Court should not instruct the Clerk to enter an order of default against Defendant. (ECF No. 15.) Defendant did not respond, and the Court orders the Clerk to enter default against Defendant.

Defendant's failure to appear requires this Court to instruct the Clerk to enter default. "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a); LR 77-1(b)(2). The Court therefore directs the clerk to enter default against Defendant.

The Court also grants Plaintiff leave to file a motion for default judgment against Defendants. Should Plaintiff fail to file such a motion, the Court will dismiss this action for failure to prosecute. Fed. R. Civ. P. 41(b).¹

Accordingly, the Court directs the clerk to enter default against

¹ A trial court has inherent power to *sua sponte* dismiss an action for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626, 630-632 (1962).

1 Defendants.

2 The Court also grants Plaintiff leave to seek default judgment against
3 Defendants. Plaintiff must file a motion for default judgment by Thursday,
4 November 14, 2024.

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6 Dated this 24th day of October, 2024.

7 

8 ANNE R. TRAUM
9 UNITED STATES DISTRICT JUDGE